



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

July 31, 1972

Honorable Eli Willis  
Moore County Attorney  
P. O. Box 473  
Dumas, Texas

Opinion No. M-1186

Re: Whether the County  
clerk may record two  
brands having the  
same name but differ-  
ent design.

Dear Mr. Willis:

Your question concerns whether in view of the provisions of Article 6995, Vernon's Civil Statutes, the County Clerk may record two brands having the same name but using different symbols.

According to the facts you have given, one individual originally recorded a brand without giving the brand a name. Later another individual recorded a different brand design and listed the brand name as "Quien Sabe." As required by Article 6899j, Vernon's Civil Statutes, each brand owner has again registered the individual brand designs; but each has named the brand "Quien Sabe." The Brands have been designated for the same general location on the animal.

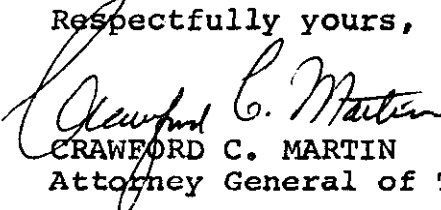
We find no statutory requirements concerning the name given a particular mark or brand. The various statutes dealing with marks and brands appear to be concerned only with the mark or brand applied to the animal. Article 6995 prohibits recordation of a brand or mark similar to one previously recorded, but this office has ruled that the same figure may be recorded by more than one individual provided that the brands are to be applied at different locations on the animal. Attorney General's Opinions O-1114(1939) and V- 563(1948).

There being no statutory prohibition against the recordation of brands or marks different in design but given the same name, we are of the opinion that the County Clerk may record differing brands or marks of the same name.

S U M M A R Y

The County Clerk may record marks or brands given the same name provided that the marks or brands themselves are different.

Respectfully yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Roland Daniel Green III  
Assistant Attorney General

APPROVED:  
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